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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/381,538      | 09/21/1999  | KLAUS-ERWIN GROGER   | 10191/1098          | 4090             |

26646 7590 03/24/2004

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| EXAMINER |
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DALENCOURT, YVES

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| ART UNIT | PAPER NUMBER |
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2157

DATE MAILED: 03/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/381,538

Applicant(s)

GROGER, KLAUS-ERWIN

Examiner

Yves Dalencourt

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 December 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-14 and 17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) 9-11, 14 and 17 is/are allowed.
- 6) ☒ Claim(s) 12 and 13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

### **DETAILED ACTION**

This office action is responsive to amendment filed on 12/31/2003.

#### ***Response to Amendment***

The examiner has acknowledged the amended claim 14.

#### ***Response to Arguments***

Applicant's arguments filed on 12/31/03 have been fully considered but they are not persuasive.

Regarding applicant's argument (page 5, fourth paragraph), the examiner maintains that Koopman does suggest a key 32 (mobile part) that includes a signaling device 40 which is a transceiver that is capable of transmitting and receiving signals (claimed transponder; see paragraph bridging col. 2, line 66 through col. 3, line 29) and a code generator in which the code generator is designed to modulate an electromagnetic oscillation, using a code selected by an operating element of the mobile part (see col. 3, lines 54 – 65 and paragraph bridging col. 3, line 66 through col. 4, line 9).

Applicant also argues that Koopman does not describe a code generator which is capable of generating a plurality of codes to be selected via the at least one operating unit in order to modulate an electromagnetic oscillation emitted from the transponder. However, it is clear in the Koopman reference that the remote signaling device (60) is provided on a key fob 62 that includes two activation buttons 64 and 66, which can be used to activate/deactivate the anti-theft system and to unlock the door locks of the vehicle (see col. 3, lines 8 – 18). Koopman further teaches that the transceiver (60)

Art Unit: 2635

receives new, randomly generated secret information (codes) so that the signal from such transceiver to the controller 22 varies over time (see col. 3, line 60 – 65).

In view of such, the rejection is as follow:

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12 – 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Koopman et al (US 5952937; hereinafter Koopman, Jr.)

Regarding claim 12, Koopman, Jr. teaches an apparatus for controlling an electronic device (figure 1), which comprises at least one operating unit (62, figure 1; col. 3, lines 5 - 8), and a movable part (32, figure 1) on which is arranged the at least one operating unit and including (col. 2, lines 21 - 27) a transponder (col. 3, lines 11 – 26; see claim 1), and a code generator for generating a plurality of codes to be selected via the at least one operating unit in order to modulate an electromagnetic oscillating emitted from the transponder (col. 3, lines 54 – 65; paragraph bridging col. 3, line 66 through col. 4, line 9).

Regarding claim 13, Koopman, Jr. teaches an apparatus for controlling an electronic device, wherein the at least one operating unit includes a plurality of operating elements including a plurality of pushbuttons, and each code of the plurality of codes generated by the code generator is associated with a respective one of the plurality of operating elements (col. 3, lines 8 - 11).

***Allowable Subject Matter***

Claims 9 – 11, 14, and 17 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: As specifically claimed, the art of record fail to teach, among other limitations, in combination, an arrangement for influencing an operating state of an electronic device, which comprises a transmission unit for emitting an electromagnetic oscillation for exciting the transponder, a reception unit for receiving and demodulating a modulated electromagnetic oscillation emitted from the transponder, and an analysis unit for converting the demodulated electromagnetic oscillation emitted from the transponder into control instructions for influencing the operating state of the electronic device, wherein the code generator generates a plurality of codes to be selected via the at least one operating unit in order to modulate the electromagnetic oscillation emitted from the transponder, and a plurality of further operating states of the electronic device is initiated by a selection of the plurality of codes.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 2635

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yves Dalencourt whose telephone number is (703) 308-8547. The examiner can normally be reached on M-TH 7:30AM - 6: 30PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on (703) 305-4704. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2635

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Yves Dalencourt

*Y. D.*  
March 9, 2004

  
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